UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,235	04/12/2000	Thomas Mark Levergood	1984.1001-004	6069

24325 7590 01/10/2008		

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ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/548,235	LEVERGOOD ET AL.
	Examiner	Art Unit
	Patrice Winder	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-66* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1, 4-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's specification does not provide details as to how one of ordinary skill would implement the computer-implemented aspects of Applicant's invention (i.e. no computer code or programming comments are provided) to "determine the number of hits, hyperlinks, sales" and "charge for advertising" based on the number of hits, hyperlinks and sales. In fact the specification lacks, any details of Applicant's implementation.

Response to Affidavit

3.   The affidavit filed on January 29, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Ferguson reference.

4.   The Ferguson reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the

same patentable invention, see MPEP § 2306. If the reference and this application are

not commonly owned, the reference can only be overcome by establishing priority of

invention through interference proceedings. See MPEP Chapter 2300 for information

on initiating interference proceedings. If the reference and this application are

commonly owned, the reference may be disqualified as prior art by an affidavit or

declaration under 37 CFR 1.130. See MPEP § 718.

26. A system for specifying fees for an entity associated with an online service, comprising:	41. A system for charging for advertising on the Web, comprising:
(a) means associated with an object of the online service for defining at least one of a plurality of triggering actions for a fee; wherein one of said user actions comprises a traverse of a hyperlink;	means for tracking access history, including a link sequence through which a document is accessed;
(b) means associated with a triggering action for defining a fee specification for the entity;	means for determining, based on access history, link traversals from a first document to the second document;
(c) means for editing a plurality of fee specifications for the entity; and	
(d) means for storing the plurality of fee specifications using the editing means;	means for determining a number of such determined link traversals leading from the

	first document to a second document; and
wherein each of said fees is triggered by a defined user action.	means for charging for advertising based on the number of link traversals to the second document.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 4-66 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ferguson et al., USPN 5,819,092 (hereafter referred to as Ferguson).

7.   Regarding claim 1, Ferguson taught a computer-implemented method of

charging for advertising on the Web (column 18, lines 30-39), comprising:

determining link traversals leading to a page (column 28, lines 58-59, 64-65); and

determining accesses to product page resulting from the link traversals to the product

page; and (column 31, lines 22-25); and

charging for advertising based said determined accesses to the product page (column

31, lines 8-12);

wherein charging for advertising is based on the number of sales resulting from a path

including an advertising page (column 22, lines 25-38; column 31, lines 8-12).

8.   Regarding claim 4, Ferguson taught a computer-implemented method of

evaluating the effectiveness of advertising on the Web (column 18, lines 30-39),

comprising:

determining link traversals leading from an advertisement to a page (column 32, lines 48-53);

determining accesses to the page resulting from the link traversals from the advertisement to the page (column 32, lines 57-64); and

measuring the number of sales resulting from the determined accesses to the page (column 31, line 60-column 32, line 4).

9.   Regarding claim 5, Ferguson taught a computer-implemented method of evaluating the effectiveness of advertising on the Web (column 18, lines 30-39), comprising:

determining link traversals leading from an advertisement to a page (column 26, lines 9-24; column 28, lines 52-65);

determining accesses to the page resulting from the link traversals from the advertisement to the product page (column 32, lines 57-64);

measuring the number of transactions resulting from accesses (column 31, lines 8-12).

10.   Regarding claim 6, Ferguson taught a computer-implemented method for charging for advertising on the Web, comprising (column 18, lines 30-39):

tracking access history, including a link sequence through which a document is accessed (column 37, line 61-column 38, line 4);

determining, based on the access history, link traversals from a first document to a second document (column 32, lines 48-53);

determining number of accesses to the page resulting from the link traversals from the first document to the second document (column 32, lines 57-64); and

charging for advertising based on the number of link traversals to the second

document (column 32, lines 65-66; column 33, lines 1-4).

11.   Regarding dependent claim 7, Ferguson taught wherein a link traversal is

determined responsive to two entries in the access history, a first entry corresponding to

a request from a given user for the first document and a second entry corresponding to

a request from the given user for the second document (column 32, lines 48-53).

12.   Regarding dependent claim 8, Ferguson taught wherein the first document is an

advertising page and the second document is a product page (column 13, lines 48-64).

13.   Regarding dependent claim 9, Ferguson taught counting the number of sales

resulted from a traversed path which includes the advertising page (column 32, lines 43-

44, 48-53), wherein charging for advertising is based on the number of said sales

(column 15, lines 50-59).

14.   Regarding dependent claim 10, Ferguson taught counting the number of

purchases resulting from link traversals from the advertisement to the second page

(column 15, lines 50-59; column 37, line 61-column 38, line 4), the number of such

purchases being a measure of advertising effectiveness (column 38, lines 8-13).

15.   Regarding dependent claim 11, Ferguson taught counting the number of

transactions resulting from link traversals from the advertisement to the second page

(column 15, lines 50-59; column 37, line 61-column 38, line 4), the number of such

purchases being a measure of advertising effectiveness (column 38, lines 8-13).

16.   Regarding dependent claim 12, Ferguson taught filtering transaction logs from at least one server for a particular user to produce the access history (column 36, lines 63-67).

17.   Regarding dependent claim 13, Ferguson taught recording the link traversals in a transaction log (column 37, line 61-65).

18.   Regarding dependent claim 14, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

19.   Regarding dependent claim 15, Ferguson taught wherein the step of determining link traversals leading to a page is performed by evaluating an access history profile (column 37, lines 44-52).

20.   Regarding dependent claim 16, Ferguson taught the access history profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67).

21.   Regarding dependent claim 17, Ferguson taught monitoring the frequency and duration of access to the page (column 36, lines 63-67; column 37, lines 23-27).

22.   Regarding dependent claim 18, Ferguson taught recording the frequency and duration of access to the page in a transaction log stored on a server (column 37, lines 61-67).

23.   Regarding dependent claim 19, Ferguson taught counting accesses to the page exclusive of repeated requests from a common client (column 37, lines 66-67).

24.   Regarding dependent claim 20, Ferguson taught wherein the counting is

performed by the server (column 37, lines 53-60).

25.   Regarding dependent claim 21, Ferguson taught counting the frequency of

accesses to the page (column 37, lines 65-67);

measuring the time intervals between repeated accesses from a common client (column

37, lines 16-22, 67); and excluding the counting of those accesses that fall within a

defined period of time (column 38, lines 3-4).

26.   Regarding dependent claim 22, Ferguson taught the counting is performed by

the server (column 37, lines 53-60).

27.   Regarding dependent claim 23, Ferguson taught keeping a history of each client

access in a transaction log (column 37, lines 61-65);

        wherein determining the link traversals leading from an advertisement to a page

are performed based on information in the transaction log (column 31, lines 22-25;

column 38, lines 2-3).

28.   Regarding dependent claim 24, Ferguson taught the transaction log is stored on

a server (column 37, lines 53-60).

29.   Regarding dependent claim 25, Ferguson taught determining the link traversals

leading from an advertisement to a page are performed by evaluating an access history

profile produced from information in a transaction log (column 31, lines 22-25; column

38, lines 2-3).

30.   Regarding dependent claim 26, Ferguson taught determining the link traversals

leading from an advertisement to a page are performed by evaluating a plurality of

access history profiles produced from information in a plurality of transaction logs (column 37, line 61-column 38, line 4).

31.   Regarding dependent claim 27, Ferguson taught the access history profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67).

32.   Regarding dependent claim 28, Ferguson taught keeping a history of each client access in a transaction log (column 37, lines 61-65);

wherein determining the link traversals leading from an advertisement to a page are performed based on information in the transaction log (column 31, lines 22-25; column 38, lines 2-3).

33.   Regarding dependent claim 29, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

34.   Regarding dependent claim 30, Ferguson taught determining link traversals leading from an advertisement to a page is performed by evaluating an access history profile produced from information in a transaction log (column 31, lines 22-25; column 38, lines 2-3).

35.   Regarding dependent claim 31, Ferguson taught determining link traversals leading from an advertisement to a page is performed by evaluating an access history profile produced from information in a plurality of transaction logs (column 37, lines 44-52).

36.   Regarding dependent claim 32, Ferguson taught the access history profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67).

37.   Regarding dependent claim 33, Ferguson taught the access history is derived from a transaction log (column 37, lines 53-60).

38.   Regarding dependent claim 34, Ferguson taught the transaction log is stored on a server (column 37, lines 53-60).

39.   Regarding dependent claim 35, Ferguson taught recording the frequency and duration of access to the page by keeping a history of each client access to the page in a transaction log (column 36, lines 63-67; column 37, lines 23-27);

        producing an access history from the transaction log (column 37, lines 44-52);

        wherein the access history is produced from filtering transaction logs from one or more servers to select only transaction involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67);

        providing marketing feedback based on the access history (column 34, lines 10-16; column 37, lines 6-14).

40.   Regarding dependent claim 36, Ferguson taught the marketing feedback is selected from the group consisting of: user demand, access pattern, and relationships between customer demographics and accessed pages and access patterns (column 37, lines 6-14).

41.   Regarding dependent claim 37, Ferguson taught evaluating the transaction log to identify the most popular links to the page (column 38, lines 1-4).

42.   Regarding dependent claim 38, Ferguson taught inserting a new link to provide more direct access to the page (column 18, lines 40-49; column 38, lines 5-10).

43.   Regarding dependent claim 39, Ferguson taught the new link is inserted in a location based upon information contained in the transaction log (column 38, lines 5-10).

44.   Regarding claim 40, Ferguson taught a computer-implemented system of charging for advertising on the Web (column 18, lines 30-39), comprising:

        means for determining link traversals leading to a page (column 28, lines 58-59, 64-65); and

        means for charging for advertising based on link traversals to the page (column 31, lines 8-12).

45.   Regarding claim 41, Ferguson taught a computer-implemented system for charging for advertising on the Web (column 18, lines 30-39), comprising:

        means for tracking access history, including a link sequence through which a document is accessed (column 37, line 61-column 38, line 4);

        means for determining, based on the access history, link traversals from a first document to a second document (column 32, lines 48-53);

        means for determining a number of such determined link traversals leading from the first document to the second document (column 32, lines 57-64); and

means for charging for advertising based on the number of link traversals to the

second document (column 32, lines 65-66; column 33, lines 1-4).

46.   The language of claims 42-66 is substantially the same as previously rejected

claims 1, 4-41, above. Therefore, claims 42-66 are rejected on the same rationale as

previously rejected claims 1, 4-41, above.

Response to Arguments

47.   Applicant's arguments filed October 19, 2007 have been fully considered but they

are not persuasive.

48.   Examiner's rebuttal - As per the 112, 1st rejection the amendment to the claims

does not remedy a perceived deficiency with the specification. In summary, it appears

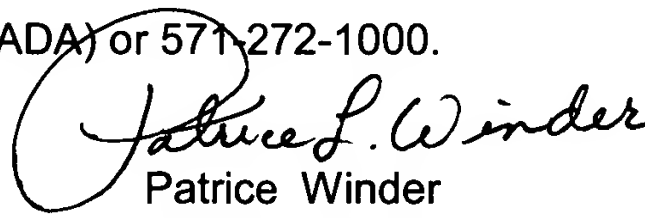that Applicant argues that Applicant's invention has significantly different features.

However, Applicant's arguments are not persuasive because Applicant's rebuttal does

not point to elements Applicant's invention which is different. The rebuttal provided does

not limit the scope of Applicant's claim language to embodiments which do not include a

graphical user interface. Thus, the Ferguson's graphical interface means is within the

scope of Applicant's claim language.

Conclusion

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrice Winder
Primary Examiner
Art Unit 2145

January 6, 2008